IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 29642 of 2007(D)

PETITIONER:

SIVARAMAN K.A., KANNANCHERY HOUSE,
CHEMMANTHATTA P.O., PAZHUNNA, THRISSUR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. THE TAHSILDAR, PONNANI.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE SUB INSPECTOR OF POLICE,
CHENGARAMKULAM POLICE STATION,
CHENGARAMKULAM.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 29642 OF 2007 D
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Dated this the 11th day of October, 2007

J U D G M E N T

Ext.P6 order passed by the District Collector in terms of Rule 27 of Protection of River Banks and Regulation of Removal of Sand Rules, 2001, is under challenge in this writ petition. Petitioner submits that following Ext.P3 seizure mahazar, petitioner has submitted Exhibits P4 and P5, pleading innocence of the allegations and also stating that it was on the basis of a valid pass that he was transporting the same. It is therefore submitted that there is no reason for initiating any proceedings against the petitioner alleging violation of the provisions of the said Rules. Reading of Ext.P6 shows that none of the contentions raised by the petitioner have been considered. It is also his specific contention that Ext.P6 was passed without notice to the petitioner.

2. For these reasons, I am inclined to set aside Ext.P6 and direct the 2nd respondent to pass fresh orders in the matter.

Before final orders are passed, petitioner shall be put on notice and be given an opportunity of hearing.

In the meanwhile, the vehicle will be released to the petitioner on his furnishing a bank guarantee for Rs.1,50,000/- mentioned in the impugned order.

ANTONY DOMINIC, JUDGE.

Rp